

REMARKS

By this amendment, claims 1-28, 30 and 32 are pending, in which claims 1, 6, 10, 15, 19, 24, 28 and 30 are currently amended, and claim 32 is newly presented. Claims 29 and 31 were previously canceled.

The Office Action mailed July 18, 2006 rejected claim 10 under 35 U.S.C. § 112 as being indefinite, and rejected claims 1-28 and 30 as obvious under 35 U.S.C. § 103 based on *Novik* (US 6,339,745) in view of *Bromley et al.* (US Pub. No. 2004/0167689 A1) and further in view of *Moore* (US 6,377,210 B1).

In view of the claim amendment, the indefiniteness rejection of claim 10 is rendered moot.

To reduce issues for Appeal, Applicants have amended independent claims 1, 10, 19, 28 and 30. Claims 1 and 19 recite “**wherein the web browser is configured ... to permit a user to specify an area of interest within a coverage area of the telemetry device.**” Amended claim 10 recites “**the web browser is further configured to permit a user to specify an area of interest within a coverage area of the telemetry device.**” Claims 28 and 30, as amended, recite “**the web browser is configured to permit a user to specify an area of interest within a coverage area of the telemetry device.**”

By contrast, neither *Novik*, *Bromley et al.* nor the newly applied reference of *Moore* discloses the above features. As previously noted, the *Novik* system does not employ a web browser. Also, the web browser of *Bromley et al.* provides no capability to “**permit a user to specify an area of interest within a coverage area of the telemetry device**”; this is consistent with the Examiner’s acknowledgement that “neither Novik nor Bromley disclose ... determining whether one of the tracked objects includes a status of in range of a service provider.” (Office Action, page 4). At best, *Moore* discloses (col. 8: 53-65), that the user terminal equipment 24

may be a personal computer with keyboard, display monitor, mouse, etc. User software runs on standard Internet Explorer and Netscape browsers. This enables maps and vehicle locations to be displayed on the user terminal equipment 24 and allows a user to select specific vehicles for tracking on the map display, select maps, set the map to follow a vehicle, change the status of a vehicle, pan the map, display addresses of locations or landmarks on the map, control the vehicle location refresh rate, and display the status changes from other users, such as displaying an address location on the maps of all the user terminal equipment 24 when one user geographically references an address. The *Moore* system, however, provides no teaching of a capability to **“permit a user to specify an area of interest within a coverage area of the telemetry device.”**

Regarding independent claims 9, 18 and 27, claims 9 and 27 recite “wherein communication with the web browser includes transmission of information which is **preprocessed by a servlet.**” Independent claim 18 recites “wherein communication with the web browser includes transmission of information which is **preprocessed by a servlet** using a Java Object Input/Output Stream and Reflection configuration.”

To satisfy the claimed servlet, the Examiner conveniently isolates the term “servlet” from its use for preprocessing and relies on Official Notice for “the use of servlets.” The Examiner provides no explanation of how the feature of preprocessing of information is taught by the applied art. Additionally, although the Examiner may in some instances take Official Notice of certain facts to fill in the gaps, such facts should not comprise the principle evidence upon which a rejection is based. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970). Further, the Administrative Procedure Act requires the Patent Office to articulate and place on the record the “common knowledge” used to negate patentability. *In re Sang Su Lee*, No. 00-1158 (Fed. Cir., Jan. 18, 2002); *In re Zurko*, No. 96-1285 (Fed. Cir., Aug. 2, 2001).

Therefore, a *prima facie* of obviousness has not been established. To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Accordingly, independent claims 1, 9, 10, 18, 19, 27, 28 and 30 should be indicated as allowable.

Claims 2-8, 11-17, and 20-26 depending correspondingly from independent claims 1, 9, 10, 18, 19, 27, 28 and 30 are likewise in condition for allowance. In addition, these dependent claims are allowable on their own merits.

Turning now to newly added claim 32, this claim recites “wherein an alert is generated if one of the tracked objects crosses the boundary of the area of interest.” New claim 32, which depends from amended claim 1, is allowable at least for the reasons put forth for the allowability of independent claim 1.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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11/20/06
Date



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